FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.4977 OF 2006
WITH
C.A.NO.4740 OF 2014

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr.A.R.Devkate, advocate for the Petitioner.
Mr.S.P.Dound, Asstt. Govt. Pleader for the State.
Mr.P.S.Patil, advocate for Respondent No.2.

CORAM : S.V.GANGAPURWALA &
A.M.BADAR, JJ.

Date : 18.07.2014.

PER COURT :

1. Heard.

2. The petitioner assails the judgment and order of the Scrutiny Committee, rejecting the tribe claim of the petitioner as belonging to '*Malhar Koli*' Scheduled Tribe. The learned counsel for the petitioner states that matter was not referred to the Research Officer nor there was any vigilance cell. According to the learned counsel, the matter requires to be remitted back to the Committee.

3. Mr.Patil, learned counsel submits that at the relevant time the vigilance cell was not established and this Court in similar set of facts have remitted the matter to the Committee.

4. In light of the fact that the matter was not referred to the Research Officer nor there was any Inquiry by the Vigilance Cell, it would be in fitness of things to remit the matter to the Committee for determination of the Tribe claim of the petitioner afresh.

5. In light of the above, the impugned order is quashed and set aside. The matter is remitted to the Respondent No.2 Committee for deciding the Tribe claim of the petitioner afresh by following procedure of law and after hearing the petitioner.

6. The Writ Petition is accordingly disposed of. No costs.

7. The Civil Application is also disposed of.

(A.M.BADAR,J.) **(S.V.GANGAPURWALA,J.)**

Dt.18.07.2014.
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